



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) CASE NO. 08-1662m
12 Plaintiff,)
13 vs.) ORDER OF DETENTION
14)
15 Jose Guadalupe De La Cruz)
16 Defendant.)

I

19 A. () On motion of the Government in a case allegedly
20 involving:

- 21 1. () a crime of violence.
- 22 2. () an offense with maximum sentence of life
23 imprisonment or death.
- 24 3. () a narcotics or controlled substance offense with
25 maximum sentence of ten or more years.
- 26 4. () any felony - where defendant convicted of two or
27 more prior offenses described above.

1 5. () any felony that is not otherwise a crime of
2 violence that involves a minor victim, or possession or use
3 of a firearm or destructive device or any other dangerous
4 weapon, or a failure to register under 18 U.S.C. § 2250.

5 B. (✓) On motion by the Government/ () on Court's own motion,
6 in a case allegedly involving:

7 () On the further allegation by the Government of:

8 1. (✓) a serious risk that the defendant will flee.

9 2. () a serious risk that the defendant will:

10 a. () obstruct or attempt to obstruct justice.

11 b. () threaten, injure or intimidate a prospective
12 witness or juror, or attempt to do so.

13 C. The Government () is/ (✓) is not entitled to a rebuttable
14 presumption that no condition or combination of conditions will
15 reasonably assure the defendant's appearance as required and the
16 safety or any person or the community.

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18 II

19 A. (✓) The Court finds that no condition or combination of
20 conditions will reasonably assure:

21 1. (✓) the appearance of the defendant as required.

22 (✓) and/or

23 2. (✓) the safety of any person or the community.

24 B. () The Court finds that the defendant has not rebutted by
25 sufficient evidence to the contrary the presumption provided by
26 statute.

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1 III
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3 The Court has considered:

4 A. the nature and circumstances of the offense(s) charged,
5 including whether the offense is a crime of violence, a Federal
6 crime of terrorism, or involves a minor victim or a controlled
7 substance, firearm, explosive, or destructive device;
8 B. the weight of evidence against the defendant;
9 C. the history and characteristics of the defendant; and
10 D. the nature and seriousness of the danger to any person or the
11 community.

12 IV
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14 The Court also has considered all the evidence adduced at the
15 hearing and the arguments and/or statements of counsel, and the
16 Pretrial Services Report/recommendation.

17 V
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19 The Court bases the foregoing finding(s) on the following:

20 A. (✓) As to flight risk:

21 No interview; no info as to resources or sufficient ties;
alien status; nature of charges; numerous aliases or DOBs.

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1 B. As to danger:

2 Criminal history

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9 VI

10 A. The Court finds that a serious risk exists the defendant
11 will:

12 1. obstruct or attempt to obstruct justice.

13 2. attempt to/ threaten, injure or intimidate a
14 witness or juror.

15 B. The Court bases the foregoing finding(s) on the following:

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20 VII

21 A. IT IS THEREFORE ORDERED that the defendant be detained prior
22 to trial.

23 B. IT IS FURTHER ORDERED that the defendant be committed to the
24 custody of the Attorney General for confinement in a corrections
25 facility separate, to the extent practicable, from persons
26 awaiting or serving sentences or being held in custody pending
27 appeal.

1 C. IT IS FURTHER ORDERED that the defendant be afforded
2 reasonable opportunity for private consultation with counsel.

3 D. IT IS FURTHER ORDERED that, on order of a Court of the United
4 States or on request of any attorney for the Government, the
5 person in charge of the corrections facility in which defendant
6 is confined deliver the defendant to a United States marshal for
7 the purpose of an appearance in connection with a court
8 proceeding.

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10 DATED: 7/16/08

Ralph Zarefsky
11 RALPH ZAREFSKY
12 UNITED STATES MAGISTRATE JUDGE

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14 S:\RZ\CRIM\DtN Ord (Sept 06).wpd

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